

No. 23-

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IN THE

**SUPREME COURT OF THE UNITED STATES**

**HEATH R. BARKER,**  
*Petitioner,*

v.

**BOBBY LUMPKIN,**  
Director, Texas Department of Criminal Justice, Institutional  
Division,  
*Respondent.*

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Petitioner, Heath R. Barker, pursuant to Supt. Ct. R. 39.1, asks leave to file the accompanying Petition for Writ of Certiorari to the United States Court of Appeals without prepayment of costs and to proceed *in forma pauperis*. Petitioner was represented in trial and direct appeal by appointed counsel. Petitioner was appointed counsel on direct appeal on December 1, 2016. He has remained in continuous custody since that time. Counsel has attached a copy of the appointment of counsel for the direct appeal. Both appointments were made pursuant to article 1.051 of the Texas Code of Criminal Procedure. Counsel is representing Petitioner before this Court *pro bono*.

Respectfully Submitted,

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WILLIAM R. BIGGS  
*Counsel of Record*  
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wbiggs@williambiggslaw.com

## ORDER OF ATTORNEY APPOINTMENT

STATE OF TEXAS	&	213th District Court
VS	&	OF
HEATH R BARKER	&	Tarrant County, TEXAS

### Offense(s)

Date	Offense	Court	Cause	Complaint	MTR/ MTA	Appeal
11/01/11	SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14 (F1)	213th District Court	1477288AP		<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Defendant

Name HEATH R BARKER

Local Id 0688872

Date of Birth 9/20/1986

Phone

Cell Phone

Address

City, State Zip , Texas

Gender Male

Race White

Custody Location Tarrant County Jail



Indigency Status:

Full

### Appointed Attorney

Name ROBERT GILL

Phone 817-803-6918

Fax 817-338-0700

Address 201 MAIN ST #801

City, State Zip FORT WORTH, Texas 76102

UserName rkg

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record; and with respect to a defendant not represented by other counsel, before withdrawing as counsel for the defendant after a trial or entry of a plea of guilty; advise the defendant of the defendant's right to file a motion for new trial and a notice of appeal; if the defendant wishes to pursue either or both remedies, assist the defendant in requesting the prompt appointment of replacement counsel; and if replacement counsel is not appointed promptly and the defendant wishes to pursue an appeal, file a timely notice of appeal.

You are required by law to make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which you are appointed and to interview the defendant as soon as practicable thereafter.

Attorney appointed from the County Approved Attorney Wheel and is the next attorney qualified to represent the defendant.

Court Appointed Designee

Date

Time

